

Amendment
Serial No. 10/654,892
Attorney Docket No. 053432

REMARKS

Claims 1, 3-9 and 11-24 are pending in the present application and are rejected. Claims 1, 13, 18, 21, 23 and 24 are herein amended. Applicants thank the Examiner for the courtesies extended in the telephone interview of May 17, 2007. Applicants' response to the comments contained in the Interview Summary is incorporated herein.

Applicants' Response to Claim Rejections under 35 U.S.C. §112

Claims 18 and 21 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

With regard to claim 21, the Office Action states that it is unclear whether the applicant is claiming the combination of the belt molding and the window, or only the subcombination of the belt molding. The Office Action notes that the preamble of claim 1 implies that the applicants are only claiming the subcombination, but the “positive recitation of the window implies the combination.” In response, Applicants herein amend claim 21 to remove the recitation of the window. Applicants submit that this amendment is sufficient to overcome the rejection. Favorable reconsideration is respectfully requested

With regard to claim 18, the Office Action states that recitations such as “the car outer fitting portion” on line 26 of claim 18 renders the claims indefinite because they lack antecedent basis. In response, Applicants herein amend claim 18 in order to recite that the fitting portion has a car outer side fitting portion and a car inner side fitting portion. Applicants respectfully submit

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that this amendment provides for sufficient antecedent basis for all elements of the claims.
Favorable reconsideration is respectfully requested.

Applicants' Response to Claim Rejections under 35 U.S.C. §102

Claims 1, 3-5, 12, 13, 15 and 20-23 were rejected under 35 U.S.C. §102(b) as being anticipated by GB 2 362 415 (GB '415).

It is the position of the Office Action that GB '415 discloses the invention as claimed. GB '415 discloses sealing strips for a vehicle door. GB '415 discloses an outer waist seal 24, located at an outside part of the vehicle relative to window 18, and an inner waist seal 22, located at an inside part of the vehicle relative to window 18. Thus, the left side of the Figure is the interior of the vehicle, while the right side of the Figure is the exterior of the vehicle. The inner waist seal 22 includes a first channel 26, which is a downward opening groove, and a second channel 28, which is an upward opening groove. Metal plates 8 and 10 form an inner door panel of the vehicle body, which is inserted into first groove 26. Meanwhile, leg part 39 of trim panel 40 is a downward projection, and is inserted into second channel 28. Within the inner waist seal 22 is an S-shaped core 30.

It is the position of the Office Action that GB '415 anticipates the claims because second channel 28 is a car outer side fitting portion and first channel 26 is a car inner side fitting portion. The Office Action states that the claims do not adequately set forth the spatial relationship of the outer side fitting portion and the inner side fitting portion. It is the position of the Office Action

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that that one could interpret the claims such that first channel 26 was inner side fitting portion, since it is positioned between second channel 28 and window 18.

In the telephone interview of May 17, 2007, the Examiner explained that despite the application clearly illustrating the spatial relationship between “inner side of car” and “outer side of car” in Figures 4 and 5, these terms could be broadly interpreted. For example, the Examiner stated the “car” of “car outer side fitting portion” and “car inner side fitting portion” was merely an adjective. In view of this, the Examiner argued that a car inner side fitting portion could be interpreted as the portion of a door which is closest to a center line of the door, since a door is a part of a car. Thus, the Examiner argued that GB ‘415 anticipated the claims as presented.

In response, Applicants maintain that the Examiner’s interpretation of the claim terms is improper in view of a reasonable interpretation of the terms recited in the claims and unambiguously explained in the specification and drawings. However, in order to expedite examination, Applicants herein amend the independent claims to recite that “said car inner side fitting portion is nearer than said car outer side fitting portion to a center line of the vehicle when mounted.” As illustrated in Figures 4 and 5, the car inner side fitting portion 20 having the downward opening groove 21 is nearer to a center line of the vehicle than the car outer side fitting portion 10 having the upward opening groove 11.

On the other hand, GB ‘415 discloses the opposite configuration: a portion having an upward opening channel 28 is disposed nearer to the center line of the vehicle than a portion having a downward opening channel 26. Applicants additionally note that due to the recited structure of the fitting portion, it is possible to dispose the end of the trim board T nearer to the

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elevating glass G than previously possible. Accordingly, a passenger, such as a small child, cannot pinch their finger between the glass and the trim board, thus preventing injury. Additionally, the apparatus is more aesthetically pleasing. Thus, Applicants respectfully submit that the independent claims, as amended, are sufficient to distinguish over GB '415. Favorable reconsideration is respectfully requested.

Applicants' Response to Claim Rejections under 35 U.S.C. §103

Claims 6-9, 14, 18 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over GB '415 in view of JP 07-237448 (JP '448).

It is the position of the Office Action that that GB '415 discloses the invention as claimed, with the exception of positioning slits which are engageable with positioning ribs of a trim board. The Office Action relies on JP '448 to provide this teaching. In response, Applicants respectfully submit that claims 6-9, and 14 are patentable due to their dependency on claims 1 and 13, which Applicants submit are patentable for at least the reasons discussed above. Applicants respectfully submit that independent claims 18 and 24 are patentable due to similar reasons as discussed above with respect to claims 1, 3-5, 12, 13, 15 and 20-23. Favorable reconsideration is respectfully requested.

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over GB '415 in view of Bowers et al. (U.S. Patent No. 5,529,650).

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It is the position of the Office Action that GB ‘415 discloses the invention as claimed, with the exception of the molding being formed of an elastomer material. The Office Action relies on Bowers to provide this teaching. In response, Applicants respectfully submit that claim 11 is patentable due to its dependency on claim 1, which Applicants submit is patentable for at least the reasons discussed above. Favorable reconsideration is respectfully requested.

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over GB ‘415 in view of Hamabata (U.S. Patent No. 5,775,030).

It is the position of the Office Action that GB ‘415 discloses the invention as claimed, with the exception of the sealing structure having a sidewall comprising a latching stripe being configured to be received within a recess 27 on a downward flange portion. In response, Applicants respectfully submit that claim 17 is patentable due to its dependency on claim 13, which Applicants submit is patentable for at least the reasons discussed above. Favorable reconsideration is respectfully requested.

Claims 16 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over GB ‘415 in view of EP 0 441 073 (EP ‘073).

It is the position of the Office Action that GB ‘415 discloses the invention as claimed, with the exception of the upward opening groove having a bottom wall including a holding lip being elastically deformable. In response, Applicants respectfully submit that claims 16 and 19 are patentable due to their dependency on claims 1 and 13, which Applicants submit are

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patentable for at least the reasons discussed above. Favorable reconsideration is respectfully requested.

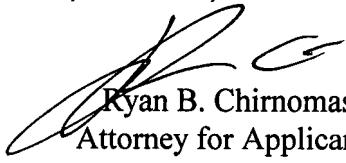
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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